

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 786

Short Title: North Carolina Highway Trust Fund Changes. (Public)

Sponsors: Representatives Blust and Hilton (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Transportation, if favorable, Appropriations.

April 7, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE AUTHORIZATION FOR THE SECRETARY OF
3 TRANSPORTATION TO TRANSFER FUNDS FROM THE HIGHWAY TRUST FUND
4 AND TO PROVIDE A FORMULA FOR TRANSFER OF FUNDS TO MEET NEEDS
5 BASED ON POPULATION OR CONGESTION AND TO REVISE THE HIGHWAY
6 TRUST FUND ALLOCATION FORMULA.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 136-176(b1) reads as rewritten:

9 "(b1) The Secretary may authorize the transfer of funds allocated under subdivisions (1)
10 through (4) of subsection (b) of this section to other projects that are ready to be let and were to
11 be funded from allocations to those ~~subdivisions.~~ subdivisions and to projects for congestion
12 mitigation. ~~The Secretary shall ensure that any funds transferred pursuant to this subsection are~~
13 ~~repaid promptly and in any event in no more than four years. The Secretary shall certify, prior~~
14 ~~to making any transfer pursuant to this subsection, that the transfer will not affect the delivery~~
15 ~~schedule of Highway Trust Fund projects in the current Transportation Improvement Program.~~
16 ~~No transfers shall be allowed that do not conform to the applicable provisions of the equity~~
17 ~~formula for distribution of funds, G.S. 136-17.2A.~~

18 Transfers made for the purpose of mitigating or reducing congestion shall be made on the
19 basis of either of the following:

- 20 (1) The ratio that the population the county or counties in which the project is
21 located bears to the total State population.
22 (2) The need for reducing congestion on a roadway based on statewide ranking
23 of projects determined by taking the average daily volume of vehicles
24 divided by the design capacity and then multiplied by the accident rate of the
25 facility divided by the statewide average accident rate for facilities of this
26 type ((volume/capacity) x (accident rate of facility/statewide average
27 accident rates for facilities of this type)).

28 The Secretary shall adjust the transfer of funds to make up for excess transfers that were
29 previously done to attempt to promptly repay transfers made for purposes other than congestion
30 mitigation.

31 If the Secretary authorizes a transfer pursuant to this subsection, the Secretary shall report
32 that decision to the next regularly scheduled meetings of the Joint Legislative Commission on
33 Governmental Operations, the Joint Legislative Transportation Oversight Committee, and to
34 the Fiscal Research Division."

35 **SECTION 2.** G.S. 136-17.2A(b) reads as rewritten:



1 "(b) ~~Until ninety percent (90%) of the mileage of the Intrastate System projects listed in~~
2 ~~G.S. 136-179 is completed, the~~The Secretary of Transportation shall, on or before October 1 of
3 each year, calculate the estimated amount of funds subject to this section that will be available
4 for the next seven program years beginning that October 1. The Secretary shall then calculate a
5 tentative percentage share for each distribution region by multiplying the total estimated
6 amount by a factor that is based:

- 7 (1) ~~Twenty five percent (25%)~~Fifty percent (50%) on the ~~estimated number of~~
8 ~~miles to complete the Intrastate System projects in that distribution region~~
9 ~~compared to the estimated number of miles to complete the total Intrastate~~
10 ~~System;~~vehicle miles driven in that distribution region compared to the total
11 vehicle miles driven in the State.
12 (2) ~~Fifty percent (50%) on the estimated population of the distribution region~~
13 ~~compared to the total estimated population of the State; and~~
14 (3) ~~Twenty five percent (25%) on the fraction one seventh, which provides an~~
15 ~~equal share based on the number of distribution regions.~~Fifty percent (50%)
16 on the need for reducing congestion on a roadway based on statewide
17 ranking of projects determined by taking the average daily volume of
18 vehicles divided by the design capacity and then multiplied by the accident
19 rate of the facility divided by the statewide average accident rate for
20 facilities of this type ((volume/capacity) x (accident rate of facility/statewide
21 average accident rates for facilities of this type))."

22 **SECTION 3.** G.S. 136-17.2A(c) is repealed.

23 **SECTION 4.** G.S. 136-17.2A(d) is repealed.

24 **SECTION 5.** G.S. 136-17.2A(f) is repealed.

25 **SECTION 6.** G.S. 136-17.2A(h) is repealed.

26 **SECTION 7.** This act is effective when it becomes law.